

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

UNITED STATES OF AMERICA *ex rel.*
NANCY GIAQUINTO, C.P.A.,

Plaintiff,

vs.

Case No.: 1:18-cv-220
Judge Thomas S. Kleeh

HIGHLAND-CLARKSBURG HOSPITAL,
INC., RC GENERAL CONTRACTORS, INC.,
M & L ELECTRIC LLC, ASSOCIATED
ARCHITECTS, INC., MICHAEL CASDORPH,
PAUL TENNANT, and CHARLES NARY,

Defendants.

REPORT OF THE PARTIES PLANNING MEETING

1. **Meeting Held:** Under Fed. R. Civ. P. 26(f) and this Court's September 27, 2022 Order and Notice Regarding Discovery and Scheduling Conference ("Order and Notice"), all parties other than Paul Tennant and Associated Architects held a phone meeting on October 24, 2022. In advance of filing, Mr. Tennant and Associated Architects were sent copies of this Report by US Mail and invited to express preferences about the dates and topics set forth herein. No responses were received. The United States, having declined to intervene in this Action, is not a party to the litigation and was not present at the meeting. Consistent with its request and status as the real party in interest, the United States will receive this Report through ECF. (Dkt. No. 20).

2. **Initial Disclosures:** In accordance with the Court's Order and Notice, the Parties will exchange initial disclosures on or before November 28, 2022.

3. **Discovery Plan:** The Parties agree that the scope of discovery shall include all issues related to liability, damages, and defenses raised in the pleadings. The parties initially agree that the maximum numbers of depositions and discovery requests shall be governed by Local Rule 26.01(c).

4. **Scheduling Order Checklist:** The parties submit the following proposed dates for trial and pretrial deadlines in this case:

- a. Mediation - November 1, 2023
 - i. However, the Parties are exploring early ADR.
- b. Joinder and Amendments – January 1, 2023
- c. Expert Disclosure
 - i. Party with Burden – August 1, 2023
 - ii. Party without Burden – September 2, 2023
 - iii. Any other Rebuttal Reports – October 2, 2023
- d. Discovery Completion – November 1, 2023
- e. Dispositive Motions – January 5, 2024
 - i. Responses – January 26, 2024
 - ii. Replies – February 9, 2024
- f. Pretrial Disclosures, Fed. R. Civ. Pro. 26(a)(3) – May 17, 2024
 - i. Objections - May 31, 2024
- g. Jury Instructions, Voir Dire and Verdict Forms – May 17, 2024
 - i. Objections – May 31, 2024

- h. Motions in Limine – May 17, 2024
 - i. Responses – May 31, 2024
 - i. Final Pretrial Conference – June 2024
 - j. Trial – July 2024
- 5. **Referral to Magistrate:** The Parties do not consent to trial by a magistrate judge.
- 6. **Waiver of Scheduling Conference:** The Parties do not request a scheduling conference before the entry of a scheduling order.
- 7. **Local Rule 16.01(b) and 26.06 Analysis:** The parties agree that this case is complex and requires monitoring in an individualized and case-specific manner. The Parties conferred in accordance with Local Rule 26.06 and agree to conduct discovery of ESI pursuant to Rule 26.06. The parties anticipate that ESI will include email, attachments to email, and various spreadsheets and PowerPoint files. Except as otherwise specified, production of ESI will be made with TIFF images and load files with preserved metadata. Spreadsheets, PowerPoint files, and similar materials will be produced in their native and electronic formats along with an associated placeholder TIFF image and endorsed with a unique Bates number. The parties agree that they will prepare and seek entry of a Federal Rule of Evidence 502(d) order governing the disclosure of privileged or work product materials and a standard protective order to permit the exchange of financial and bank account information.

Prepared and submitted by:

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CERTIFICATE OF SERVICE

Service of the Report of Parties Planning Meeting was had upon the all parties via electronic means, except for defendants Paul Tennant and Associated Architects, Inc., who were served by United States mail as follows:

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